

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 06/24/03

AGENDA ITEM 8

WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Consolidated Landscaping and Lighting District No. 96-1, Zone 10 – Eden Shores -
Approve Formation of the District, the Engineer's Report and Order Levying of
Assessments and the Setting of Collection Rates for FY 2003-04

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution pertaining to Lighting and Landscaping District No. 96-1, Zone 10.

DISCUSSION:

Landscaping and Lighting District No. 96-1, Zone 10 ("Zone 10") is being formed to fund the operation and maintenance of park facilities, landscaped areas, and decorative concrete and sound walls bordering the residential portion of Eden Shores. LLD Zone 10 encompasses the three residential tracts in Eden Shores, totaling 525 homes. This item was continued from the City Council meeting on June 10, 2003


The park is 5 acres and will be operated by the Hayward Area Recreation District. The park improvements have been completed and include picnic tables, play fields and playground equipment. Other landscape areas include medians, the sloped areas adjacent to the overpass, and parkway strips alongside the main roads. As these improvements are completed and accepted by the City over the next several years, the responsibility for maintenance will be taken over by Zone 10.

On April 15, 2003, the City Council adopted a resolution of intention authorizing formation of LLD Zone 10 and levying of an annual assessment to fund maintenance activities. Ballots were subsequently sent out to the two property owners, Standard Pacific and Acacia Credit, to determine if they supported the formation of the Zone and the levying of assessments. If approved, the assessment rate for Zone 10 will be \$775.00 and the annual collection rate for FY 2003-04 will be \$460.00. The assessment rate will be indexed to annual increases in the Bay Area Consumer Price Index.

At the conclusion of the City Council public hearing for this item, ballots will be tabulated to determine whether the two property owners support or oppose the formation of the Zone and levy of assessments. At this time, the developers are the only property owners. If they oppose formation of Zone 10, they will continue to be responsible for all maintenance and operation costs for the next fiscal year and another election can be held next year. If they support formation of Zone 10, but oppose the levy of assessments, they will still be responsible to pay all operation and maintenance costs for the next year.


The Engineer's Report for the consolidated districts, 1 thru 10, was approved at the City Council meeting on June 10, 2003. Therefore, the attached Engineer's Report only includes those sections relative to Zone 10.

Prepared by:




Andrew S. Gaber, P. E.
Development Review Engineer

Recommended by:



Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

Exhibits:

Engineer's Report
Draft Resolution(s)

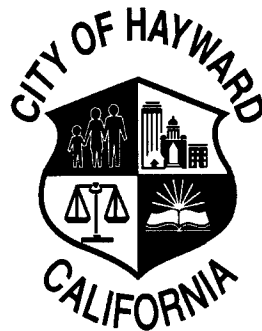
6/19/03

FINAL ENGINEER'S REPORT

CITY OF HAYWARD

LANDSCAPE & LIGHTING ASSESSMENT DISTRICT No. 96-1

Fiscal Year 2003-04



June 10, 2003

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SECTION I

INTRODUCTION
ENGINEER'S REPORT

CITY OF HAYWARD
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT No. 96-1

FISCAL YEAR 2003-04

Background Information

In 1996 there were six (6) separate Landscape & Lighting Districts throughout the City of Hayward. On May 7, 1996, Landscape & Lighting Assessment District No. 96-1 was formed which consolidated each of the assessment districts and designated them as six (6) separate zones of benefit. Subsequently in 1998, 1999 and 2000, Benefit Zones No. 7, 8 and 9 were respectively annexed to Assessment District No. 96-1. In FY 2003-04, Benefit Zone No. 10 is proposed to be created and annexed into Assessment District No. 96-1. Each zone of benefit has a separate budget pertaining to their respective improvements being maintained, but the administrative costs for the preparation of the Engineer's Report, Council Reports, Resolutions, etc. are shared among the zones.

To insure the proper flow of funds for the ongoing operation, maintenance and servicing of improvements that were constructed as a condition of development within various subdivisions, the City Council, through the Landscaping and Lighting Act of 1972 (1972 Act), formed the City of Hayward Landscape and Lighting Assessment District No. 96-1. The 1972 Act also permits the creation of benefit zones within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement" (Sec. 22547). Therefore, because there are varying degrees of benefit within the various subdivisions, the City Council has established nine (9) benefit zones and is proposing to establish the tenth benefit zone as described below.

TABLE 1: DESCRIPTION OF BENEFIT ZONES

Zone Number	Name/Location	Year Formed	Type of Development	Number of Assessed Parcels
1	Huntwood Ave. & Panjon St.	1990	Residential	30
2	Harder Rd. & Mocine Ave.	1991	Residential	85
3	Hayward Blvd. & Fairview Ave.	1992	Residential	152
4	Pacheco Wy., Stratford Rd, Russ Ln, Ward Crk.	1995	Residential	175
5	Soto Rd. & Plum Tree St.	1995	Residential	38
6	Peppertree Park	1982	Industrial	11
7	Mission Blvd., Industrial Pkwy, & Arrowhead Wy.	1998	Residential	348
8	Capitola St.	1999	Residential	24
9	Orchard Ave.	2000	Residential	74
10 ⁽¹⁾	Eden Shores	2003	Residential	1 ⁽¹⁾
Total				938

Notes:

⁽¹⁾Currently shown as one parcel by the County Assessor. The District will have 525 parcels once all three final maps are recorded.

In 1995, Benefit Zone No. 4 was established and the base assessment rate was set at \$121.01 per single-family parcel. This base assessment rate does not allow for an annual increase based upon the prior year's change in the Consumer Price Index. In Fiscal year 2002-03, the base assessment amount for Benefit Zone No. 4 was proposed to be modified to allow for an annual adjustment based upon the change in the Consumer Price Index each fiscal year. The proposed increase in the base assessment was opposed by a majority of the property owners who voted and thus the assessment formula for Benefit Zone No. 4 could not be modified. The City has reduced the level of service within this benefit zone to coincide with the projected revenue to be received.

In 1995, Benefit Zone No. 5 was established and the base assessment rate was set at \$139.12 per single-family parcel. This base assessment rate does not allow for an annual increase based upon the prior year's change in the Consumer Price Index. In Fiscal year 2002-03, the base assessment amount for Benefit Zone No. 5 was proposed to be increased \$60 per single-family parcel and to allow for future increases based upon the change in the Consumer Price Index. The proposed increase in the base assessment was opposed by a majority of the property owners who voted and thus the assessment revenue for Benefit Zone No. 5 could not be increased. The City has reduced the level of service within this benefit zone to coincide with the projected revenue to be received.

Improvements, which may be constructed, operated, maintained and serviced by the Assessment Districts, include, but are not limited to:

Landscaping, street lighting, parks, trails, open space facilities, bus shelters, masonry walls, pest or rodent control and associated appurtenant facilities.

The formation of this Assessment District ensures that the operation, maintenance and servicing of the improvements are specifically paid for by those property owners who directly benefit from the improvements.

Proposition 218 Compliance

On November 5, 1996, California voters approved Proposition 218 entitled "Right to Vote On Taxes Act," which added Articles XIII C and XIII D to the California Constitution. While its title refers only to taxes, Proposition 218 establishes new procedural requirements for the formation and administration of assessment districts.

These new procedures stipulate that even if assessments are initially exempt from Proposition 218, future increases in assessments must comply with the provisions of Proposition 218. However, if the increase in assessment was anticipated in the assessment formula (e.g., to reflect the Consumer Price Index or an assessment cap) then the City would be in compliance with the provisions of Proposition 218 if the assessments did not exceed the assessment formula.

In Fiscal Year 2003-04, the City is proposing to annex Benefit Zone No. 10 (Eden Shores) into Assessment District No. 96-1. There are expected to be approximately 525 single-family residential homes when the development is completed. Standard Pacific is the current owner of this development. The estimated date of the closure of the first residential home sale is in July 2003. The proposed base assessment will be \$775.00 per single-family home. This base assessment will be increased annually based upon the change in the prior year's Bay Area Consumer Price Index.

In order to comply with the provisions of Proposition 218 for levying assessments within Benefit Zone No. 10 (Eden Shores) the City will mail notices and ballots to the affected property owner within Benefit Zone No. 10. It is anticipated that the notices and ballots will be mailed on April 16, 2003 and the public hearing will be conducted on June 24, 2003. After the close of the public input portion of the public hearing the ballots will be tabulated to determine if there is majority protest from the property owners who vote, weighted by assessment amount, to annex their property (Eden Shores) into Assessment District No. 96-1 and to levy assessments. At this time,

Standard Pacific and Acacia Credit retain ownership of all the affected parcels, and they have expressed their support for formation of LLD 96-1 Zone 10 Benefit District. If there is not a majority protest by the property owners the City will have the ability to form the district and levy an annual assessment up to the base assessment each fiscal year thereafter. This base amount will increase annually based upon the change in the prior year's Bay Area Consumer Price Index.

The annual collection rates for benefit zones 1, 2, 6, 7, 8, and 9 are proposed to be levied below their base assessment amount and the annual collection rate for benefit zones 3, 4, and 5 are proposed to be levied at their base assessment amount. Below is a listing of the collection rates levied in FY 2002-03 and the proposed collection rates for FY 2003-04 for each benefit zone.

TABLE 2: COLLECTION RATES PER BENEFIT ZONE			
Zone Number	Name/Location	FY 2002-03 Collection Rates	FY 2003-04 Collection Rates
1	Huntwood Ave. & Panjon St.	\$146.84	\$150.00
2	Harder Rd. & Mocine Ave.	\$65.00	\$60.00
3	Hayward Blvd. & Fairview Ave.	\$328.82	\$328.82
4	Pacheco Wy., Stratford Rd, Russ Ln, Ward Crk.	\$121.00	\$121.00
5	Soto Rd. & Plum Tree St.	\$139.12	\$139.12
6 ⁽¹⁾	Peppertree Park	\$2.11	\$1.50
7	Mission Blvd., Industrial Pkwy, & Arrowhead Wy.	\$350.00	\$300.00
8	Capitola St.	\$110.00	\$75.00
9	Orchard Ave.	\$15.00	\$15.00
10	Eden Shores	N/A	\$460.00

Notes:

⁽¹⁾ Zone 6 is in the industrial district and is assessed based upon street frontage

Current Annual Administration

As required by the Landscaping and Lighting Act of 1972, the annual Engineer's Report includes: (1) a description of the improvements to be operated, maintained and serviced, (2) an estimated budget, and (3) a listing of the proposed collection rate for each assessable lot or parcel.

The City of Hayward is proposing to hold public hearings on June 10 and 24, 2003, to provide an opportunity for any interested person to be heard. At the conclusion of the public hearing, the City Council may adopt a resolution confirming the setting of annual collection rates as originally proposed or as modified. Following the adoption of

this resolution, the final assessor's roll will be prepared and filed with the County Auditor's office to be included on the FY 2003-04 tax roll.

Payment of the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes. All funds collected through the assessment must be placed in a special fund and can only be used for the purposes stated within this report.

SECTION II

**ENGINEER'S REPORT PREPARED PURSUANT TO THE PROVISIONS OF THE
LANDSCAPING AND LIGHTING ACT OF 1972
SECTION 22500 THROUGH 22679
OF THE CALIFORNIA STREETS AND HIGHWAYS CODE**

**CITY OF HAYWARD
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT No. 96-1**

FISCAL YEAR 2003-04

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), and in accordance with the Resolution of Intention, being Resolution No. 03-055, preliminarily approving the Engineer's Report, as adopted by the City Council of the City of Hayward, on April 15, 2003, and in connection with the proceedings for:

**CITY OF HAYWARD
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT No. 96-1**

Herein after referred to as the "Assessment District", I, Andrew S. Gaber, the duly appointed ENGINEER OF WORK, submit herewith the "Report" consisting of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements in the District. Plans and specifications for the improvements are as set forth on the lists thereof, attached hereto, and are on file in the Office of the Hayward City Clerk and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements, including incidental costs and expenses in connection therewith, is as set forth on the lists thereof, attached hereto, and are on file in the Office of the Hayward City Clerk.

PART C: ASSESSMENT DIAGRAM

This part incorporates by reference a diagram of the Assessment District showing the exterior boundaries of the District, the boundaries of the ten (10) zones within the District and the lines and dimensions of each lot or parcel of land within the District. It has been prepared by the Engineer of Work and is on file in the Office of the Hayward City Clerk.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENT

This part contains the method of apportionment of assessments, in proportion to the estimated benefits to be received.

PART E: PROPERTY OWNER LIST & ASSESSMENT ROLL

This part contains a list of the Alameda County Assessor's Parcel numbers, and the net amount to be assessed upon the benefited lands within the Assessment District for FY 2003-04. The Assessment Roll is filed in the Office of the Hayward City Clerk and is incorporated in this report by reference. The list is keyed to the records of the Assessor of the County of Alameda, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

The facilities, which have been constructed within the City of Hayward, and those which may be subsequently constructed, will be operated, maintained and serviced as generally described as follows:

DESCRIPTION OF IMPROVEMENTS

CITY OF HAYWARD
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT No. 96-1

FISCAL YEAR 2003-04

The improvements consist of the operation, maintenance and servicing of landscaping, street lighting, open space facilities, parks, trails, and appurtenant facilities including but not limited to; personnel, electrical energy, utilities such as water, materials, contractual services, and other items necessary for the satisfactory operation of these services and facilities as described below:

Landscaping Facilities

Landscaping facilities consist of, but are not limited to: operation, maintenance and servicing of landscaping, irrigation, planting, shrubbery, ground cover, trees, pathways, hardscapes, decorative masonry and concrete walls, fountains, bus shelters, entry gate structures, graffiti removal, fences, and other appurtenant facilities required to provide landscaping within the public rights-of-way and easements within the boundaries of the Assessment District.

Street Lighting Facilities

Street lighting facilities consist of, but are not limited to: operation, maintenance and servicing of poles, fixtures, bulbs, conduits, equipment including guys, anchors, posts and pedestals, metering devices and other appurtenant facilities within the public rights-of-way and easements within the boundaries of the Assessment District.

Open Space Facilities

Open space facilities consist of, but are not limited to: operation, maintenance and servicing of drainage areas, creeks, ponds, etc. including the removal of trash and debris, sediment, natural and man made vegetation and other appurtenant facilities within the public rights-of-way and easements within the boundaries of the Assessment District.

Park/Trail Facilities

Park/Trail facilities consist of, but are not limited to: operation, maintenance and servicing of landscaping, irrigation systems, pedestrian access, asphalt bike pathways, parkways, and the removal of trash and debris, rodent control, used for the support of recreational programs and other appurtenant facilities within the public rights-of-way and easements within the boundaries of the Assessment Districts.

The following is a detailed description of the improvements that are being operated, maintained and serviced throughout each benefit zone within the District:

- **Zone 10 (Eden Shores)** – Tracts No. 7317, 7360 and 7361

Formed: June 24, 2003
Resolution Number: 03-____
525 parcels

- A five (5) acre park which includes landscaping and irrigation and play ground equipment within the development;
- Medians, park strips and parkway landscaping and irrigation within the development.
- Decorative concrete and sound walls along the perimeter and within the tract, including graffiti removal; and
- The ownership and responsibility for the walls as structures remains with the individual property owners.
- For FY 2003-04, the base assessment will be \$755 and the collection rate will be \$460 per parcel. The revenue generated in FY 2003-04 will provide sufficient funds to operate and maintain the improvements completed, as well as generate operating reserves for future years. It is anticipated that the collection rate per parcel will be increased in future years as additional tract improvements and landscaping is completed. Establishing the operating reserves in FY 2003-04 will allow future collection rates to be lower since a lower funding level for this reserve will be necessary. The base assessment amount will be indexed to the annual change in the Consumer Price Index. Future increases in the collection rate up to the base assessment amount would not require the noticing and balloting of property owners per the requirements of Proposition 218.
- As a condition of approval for the subdivision, the developer was required to provide prospective homebuyers with a written disclosure of the special assessment district, including an estimate of the annual assessment. This disclosure is to be on brightly colored paper.

PART B

ESTIMATE OF COST

The 1972 Act provides that the total cost of construction, operation, maintenance and servicing of the public landscaping, street lighting, open space facilities, parks, trails, etc. can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the construction, operation and maintenance and servicing of the District can also be included.

TABLE 2: FY2003-04 REVENUE BY BENEFIT ZONE		
Zone Number	Name/Location	Estimated Revenue for 2003-04
1	Huntwood Ave. & Panjon St.	\$4,500.00
2	Harder Rd. & Mocine Ave.	\$5,100.00
3	Hayward Blvd. & Fairview Ave.	\$49,980.64
4	Pacheco Wy., Stratford Rd, Russ Ln, Ward Crk.	\$21,175.00
5	Soto Rd. & Plum Tree St.	\$5,286.56
6	Peppertree Pk.	\$7,490.98
7	Mission Blvd., Industrial Pkwy, & Arrowhead Wy.	\$104,400.00
8	Capitola St.	\$1,800.00
9	Orchard Ave.	\$1,110.00
10	Eden Shores	\$241,500.00
	TOTAL:	\$442,343.18

The estimated Fiscal Year 2003-04 expenditures for the proposed District facilities have been provided by the City of Hayward and are itemized by zone as follows:

For a detailed breakdown on the operation, maintenance and servicing costs for each Benefit Zone, please refer to Appendix "A."

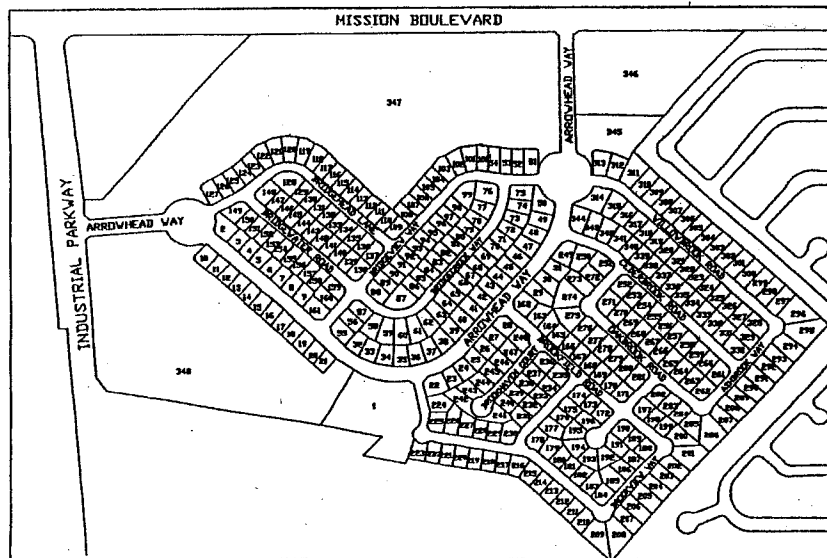
The 1972 Act requires that a special fund be set up for the revenues and expenditures for the District. Funds raised by the assessments shall be used only for the purpose as stated herein. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year.

PART C

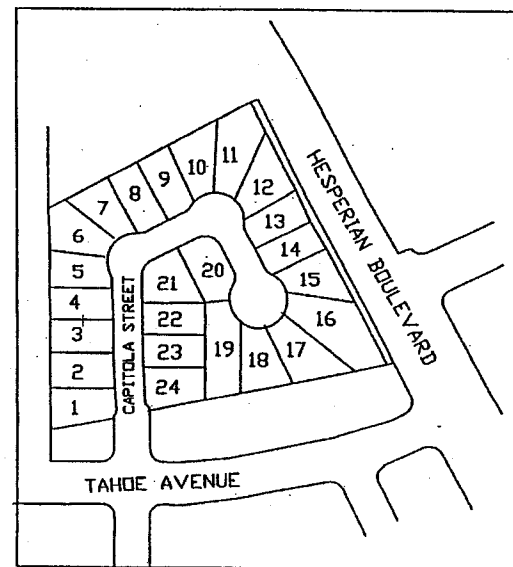
ASSESSMENT DISTRICT DIAGRAM

The boundary of the City of Hayward's Landscape & Lighting District No. 96-1 is completely within the boundaries of the City of Hayward. The Assessment Diagram for the nine zones is on file in the Office of the City Clerk of the City of Hayward and shown on the following page of this report. The Assessment Diagram for Zone 10 will be recorded after the notice of intention is authorized on April 15, 2003. The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Assessor of the County of Alameda, for the year when this report was prepared, and are incorporated by reference herein and made part of this report.

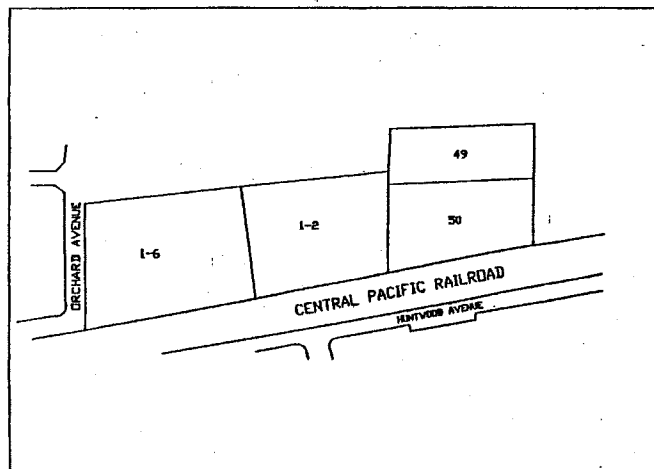
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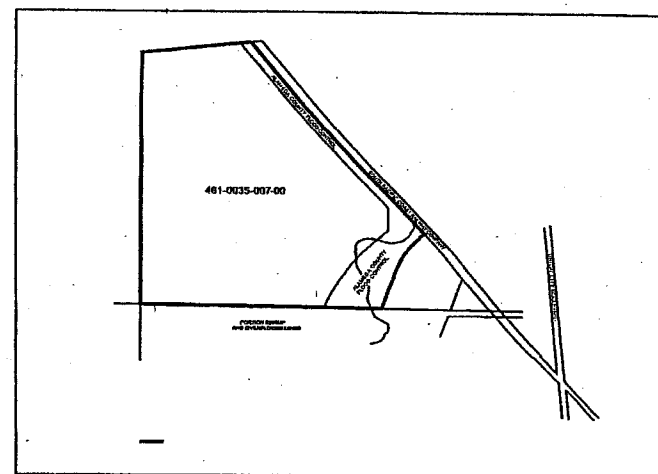
ZONE 7: Mission Blvd. and Industrial Pkwy.



ZONE 8: Capitola Street



ZONE 9: Orchard Avenue



ZONE 10: Eden Shores

PART D

METHOD OF APPORTIONMENT OF ASSESSMENT

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the operation, maintenance and servicing of landscaping and street lighting improvements.

Section 22573 of the Landscape and Lighting Act of 1972 requires that maintenance assessments must be levied according to benefit rather than according to assessed value. This Section states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefit to be received by each such lot or parcel from the improvements."

The determination of whether or not a lot or parcel will benefit from the improvements shall be made pursuant to the Improvement Act of 1911 (Division 7 (commencing with Section 5000)) [of the Streets and Highways Code, State of California]."

In addition, Article XIID, Section 4(a) of the California Constitution limits the amount of any assessment to the proportional special benefit conferred on the property.

Because assessments are levied on the basis of benefit, they are not considered a tax, and, therefore, are not governed by Article XIII A of the California Constitution.

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement" (Sec. 22547). Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax."

Article XIID provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways.

ZONE CLASSIFICATION

Each benefit zone is unique and distinguishable from other benefit zones located within the District. Each benefit zone is evaluated to determine which improvements are of a specific and direct benefit to the parcels in that benefit zone. Once the improvements have been identified, a method of spreading those costs to the benefiting parcels was developed.

As certain subdivisions develop throughout the City of Hayward, they may be annexed into an existing zone or there may be a new zone formed. Each new subdivision is evaluated to determine which improvements are of a specific and direct benefit to the parcels within the subdivision and then a determination is made whether to annex them into an existing zone or whether to form a new zone. The parcels, which benefit from the improvements, are identified and a benefit assessment spread methodology is developed to spread the costs of the improvements to the benefiting parcels.

The following is a listing of the various zones in the District, their corresponding number of parcels in each benefit zone, and the method of apportioning the costs of the improvements:

- **Zone 10 (Eden Shores)** Tracts No. 7317, 7360 and 7361

This zone was established in 2003 and the maximum assessment rate was set at \$775.00 per parcel with an automatic allowance for a CPI increase annually from April 1st to March 30th of each year. The base year for calculating CPI increases will be April 1, 2004. The special benefit derived by the individual parcels is indistinguishable from each other. Therefore, each of the 525 parcels shall be apportioned an equal share of the total assessment for this zone. In FY 2003-04, the total revenue needed to operate and maintain the facilities within the zone is \$241,500.00. Since the amount needed to operate and maintain facilities in this zone remains below the annual assessment, the following amount should be collected:

\$460.00 per parcel

PART E

PROPERTY OWNER LIST & ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each lot or parcel within the City of Hayward's Landscape & Lighting District No. 96-1 is shown on the last equalized Property Tax Roll of the Assessor of the County of Alameda, which by reference is hereby made a part of this report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments for FY 2003-04 apportioned to each lot or parcel. The Assessment Roll is on file in the Office of the City Clerk of the City of Hayward and is shown in this report as Appendix "B".

APPENDIX A

DETAILED PROJECT COST BREAKDOWN

Zone 10 - Fiscal Year 2003-04 Eden Shores		
	Operating Budget	FY 2003-04 Budget
<u>I. MAINTENANCE COSTS</u>		
(a) Irrigation water	\$35,500.00	\$14,124.00
(b) Electrical energy	\$3,600.00	\$2,200.00
(c) Landscaping maintenance including debris removal, weeding, trimming, and spraying	\$130,500.00	\$53,130.00
(d) Masonry wall (surface maintenance)	\$4,000.00	\$2,000.00
(e) Park Structure	\$43,500.00	\$43,500.00
(f) Contingency (15%)	\$32,565.00	\$17,243.10
Total Maintenance Cost	\$249,665.00	\$132,197.10
<u>II. INCIDENTAL COSTS</u>		
(a) Administration (City)	\$5,000.00	\$5,000.00
(b) Engineer's Report, preparation of documents, printing, and advertising	\$6,250.00	\$6,250.00
(c) County Collection Charges (1.7%)	\$6,916.88	\$4,105.50
Total Incidental Costs	\$18,166.88	\$15,355.50
<u>III. RESERVES</u>		
(a) Operating Reserves (50% of Maintenance & Incidentals) ¹	\$133,915.94	\$73,776.30
(b) Capital Reserves ²	\$5,127.19	\$20,171.10
Total Reserve Costs	\$139,043.13	\$93,947.40
<u>IV. TOTAL ASSESSABLE COSTS</u>	\$406,875.00	\$241,500.00
Less Surplus from prior fiscal year	\$0.00	\$0.00
NET ASSESSMENT COLLECTION FOR FISCAL YEAR	\$406,875.00	\$241,500.00
Number of Assessable Parcels	525	525
Collection per Parcel	\$775.00	\$460.00
Base Assessment per Parcel	\$775.00	\$775.00
NOTES: ⁽¹⁾ Because the City does not receive the FY 2003-04 assessment revenue from the County until January 2004, it is necessary to have an operating reserve fund to cover 6 months of cash flow from July 1, 2003 through December 31, 2003. ⁽²⁾ In the event capital facilities need replacement because of failure, damage or vandalism these funds will be used. Since the developer is responsible for a 1 year maintenance period the capital reserves will be collected next fiscal year.		

APPENDIX B

FY 2003-04
ASSESSMENT ROLL

City of Hayward
Landscape & Lighting District No. 96-1

APPENDIX B

Zone 10

Eden Shores

PRELIMINARY ASSESSMENT ROLL
FISCAL YEAR 2003-04

Assessor's Parcel Number	Assessment Amount
461-0035-007-00	\$241,500
Total Parcels:	1
Total Assessment:	\$241,500

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 03-

Introduced by Council Member _____

me
6/18/03

RESOLUTION INITIATING AND APPROVING FORMATION OF ZONE 10 WITHIN CONSOLIDATED LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO.96-1, ZONE 10 CONSISTING OF THE PROPERTIES IN TRACTS 7317, 7360 AND 7361, AND APPROVING THE ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT DIAGRAM AND ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENT FOR THE 2003-04 FISCAL YEAR

WHEREAS, by Resolution No.03-055 adopted April 15, 2003, the City Council preliminarily approved the Engineer's Report for Landscape and Lighting District 96-1, Zone 10 ("LLD 96-1, Zone 10"), declared its intention to form the LLD 96-1, Zone 10 and to levy assessments for fiscal year 2003-2004, and set June 10, 2003, at the hour of 8:00 p.m. in the City Council's Chambers, 777 B Street, 2nd Floor, Hayward, California, as the time and place for the public hearing on the question of the formation and levy of the proposed assessments for LLD, Zone 10; and

WHEREAS, notice of the proposed formation and assessments and ballots were mailed to each property owner or record owner of each parcel in LLD 96-1, Zone 10, indicating that a public hearing, including a ballot proceeding pursuant to the provisions of Article XIID of the California Constitution, was scheduled at the appointed time and place of said hearing; and

WHEREAS, pursuant to the Landscape and Lighting Act of 1972 (California Streets and Highways Code sections 22500 et seq.), on June 24, 2003, said hearing was duly and regularly held, and all interested persons desiring to be heard were given opportunity to be heard, and all matters and things pertaining to said formation and levy were fully heard and considered by this City Council, and all oral statement and all written protests or communications were duly heard, and at the appointed time and place, the City Clerk tabulated the ballots and determined that was no majority protest to either the formation of LLD 96-1, Zone 10, or the levy of the proposed assessment; and

WHEREAS, the City Council confirmed the diagram and approved the Engineer's Report, as modified for LLD 96-1, Zone 10, and ordered the formation of LLD 96-1, Zone 10, and the levy of assessments in the amount of \$775.00 per parcel.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hayward, as follows:

1. At the closing of the public hearing, the property owners owning more than 50 percent of the area of chargeable lands within the proposed assessment district had not filed written protests against the formation of the proposed assessment district or the proposed levy of assessment, and, pursuant to the Landscape and Lighting Act of 1972 (California Streets and Highways Code sections 22500 et seq.), the City Council hereby orders the formation of LLD 96-1, Zone 10, consisting of all the properties in Tracts 7317, 7360 and 7361;
2. The public interest, convenience, and necessity require that LLD 96-1, Zone 10, be formed and the levy be assessed;
3. The properties included in the LLD 96-1, Zone 10, and benefitted by the improvements to be assessed to reimburse the costs and expenses thereof, and the exterior boundaries thereof, are shown on the assessment district diagram included in the engineer's report attached hereto as Exhibit "A";
4. Said engineer's report as a whole and each part thereof, to wit:
 - (a) the engineer's estimate of the itemized and total costs and expenses of the improvements and of the incidental expenses in connection therewith and the method of cost allocation and schedule of assessments;
 - (b) assessment roll, identifying the property within the district and setting the base monetary obligation of each property;
 - (c) the assessment district diagram;
 - (d) the map of the assessment district showing the boundaries and the respective lots within LLD 96-1, Zone 10;are finally approved and confirmed and incorporated herein.
5. Adoption of the engineer's report as a whole, estimate of the costs and expenses, the diagram, the assessment and the collection of fees, as contained in said report, as hereinabove determined and ordered, is intended to and shall refer and apply to said report, or any portion thereof, as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted by or made by this City Council.

6. The assessment in the amount of \$775.00 to pay the costs and expenses of the maintenance of the improvements is hereby levied and is adequate to cover the assessments for the 2003-04 fiscal year, and the City of Hayward Director of Finance is hereby directed to expend said money for the maintenance of the improvements set forth in Resolution No.03-055 and described in the engineer's report, and it is hereby determined to order the collection of \$460.00 per lot.
7. Based on the oral and documentary evidence offered and received, including the engineer's report, this City Council expressly finds and determines:
 - (a) that each of the lots in the district will be specially benefitted by the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lot; and
 - (b) that there is substantial evidence to support this finding and determination as to special benefit;
 - (c) any public property owned by any public agency and in use in the performance of a public function with the district shall not be assessed.
8. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of this resolution, the diagram, and the assessment with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the county assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the county of collection, shall be paid to the Director of Finance of the City of Hayward.
9. Upon receipt of monies representing assessments collected by the county, the Director of Finance of the City of Hayward shall deposit the monies in the City treasury to the credit of an improvement fund, under the distinctive designation of said LLD 96-1, Zone 10. Monies in said improvement fund shall be expended only for said maintenance of the improvements set forth in the engineer's report, referenced in Resolution No.03-055.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2003

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward